What's Wrong With the Visa Lottery?

Testimony prepared for the U.S. House of Representatives Committee on the Judiciary Subcommittee on Immigration, Border Security, and Claims
April 29, 2004

By Steven A. Camarota
Research Director, Center for Immigration Studies
www.cis.org

The visa lottery is probably the strangest part of our immigration system. We actually run a system where people send in a postcard, which is now done electrically, and then names are drawn out of a hat, with 50,000 winners each year given premanent residence in the United States. The winners need not have even one family member in the United States, or any particular job skill that is supposed to be in need, nor is any compelling humanitarian reason required. All they need is the desire to come and some luck. There are many problems with the such a system, but five stand out: 1) it is administratively burdensome; 2) it encourages illegal immigration; 3) it invites fraud; 4) it creates a great opportunity for terrorists; 5) it serves no purpose.

Administrative Burden.

One of the biggest problems with the lottery is that it has to be administered. Each entry has to be processed to ensure that the application meets the lottery's minimal standards. These names have to be recorded so that the winners can be randomly selected. Finally, the winners have to be vetted by the State Department and Department of Homeland Security (DHS). Processing millions of entries, and then tens of thousands of additional green cards each year that would otherwise not have to be processed, creates a significant burden for the State Department and DHS — two organizations that are already overwhelmed by the number of applicants in other immigration categories. Trying to weed out fraudulent lottery applications, and even processing legitimate ones, is a diversion for agencies that must identify terrorists among the millions seeking to come to America. It is no surprise that an internal audit conducted by the State Department in the 1990s characterized the visa lottery as a costly,

unfunded mandate that saps personnel resources.

Encourages Illegal Immigration.

In addition to creating administrative burdens, the lottery encourages illegal immigration. Consider the case of Hesham Mohamed Hedayet, who murdered Victoria Hen and Yaakov Aminov at Los Angeles International Airport on July 4 of 2002. Mr. Hedayet overstayed a tourist visa in 1992 and before his tourist visa expired, he applied for asylum and then continued to live in the United States for a number of years as an illegal alien after his visa expired. Even after his asylum application was turned down in 1996, Mr. Hedayet stay and live here as an illegal alien.

His wife continued to play the visa lottery with the hope that they would eventually be able to win a visa, which she eventually won, allowing her, her husband, and children to get a green card. The existence of the lottery gave the Hedayets a realistic hope of eventually getting a green card, if they just played it long enough. They really had no other choice, because they had no family member who could sponsor them or any specialized skills allowing them to qualify for employment-based immigration and, of course, Hedayet did not qualify for asylum. If it had not been for the lottery, Hedayet and his family might have given up and gone home. The lottery gives hope to countless other illegal aliens that one day they too will win the lottery and be able to stay in this country. The lottery's very existence tells hundreds of thousand of other people living here illegally, who have no realistic means of every getting a green card, that they should not go home because one day they too may win the visa lottery, if they play it long enough.

Rampant Fraud.

One of the things that makes the lottery so difficult to administer is that corruption and fraud are so widespread in the countries that send in the most applications for the lottery. The two most corrupt nations in the world, according to Transparency International's Corruption Perceptions Index 2003[1], Bangladesh and Nigeria, are also perennially among the top-10 lottery winners. State Department records from 1996 (we can't get more recent ones) show that lottery winners are even more likely than other immigration applicants to be refused a visa due to fraud. Among the top-10 nations in this year's lottery, diversity visa refusal rates from 1996 (the most recent year available) were as follows: Poland 24 percent, Ethiopia 38 percent, Bangladesh 44 percent, Egypt 46 percent, Ghana 62 percent. The country with the largest number of lottery winners, Nigeria, had a astonishing refusal rate of 80 percent. And these rates would be higher but for the State Department's laxity with regard to fraud in the visa process.

The general prevalence of fraud in these countries is bad enough, but the lottery itself encourages fraud. It invites applications from almost anyone, especially those with no relatives or ties to an American institution, such as an employer in the United States who can at least vouch for the applicant. Moreover, there is strong anecdotal evidence that many people send in more than one application using different names in an effort to increase their chances of winning. It is partly for this

---

[1]The index can be found at www.transparency.org/cpi/2003/cpi2003.en.html.

reason that so many "winning" entries are eventually thrown out. The whole process makes a mockery of attempts to apply even the most minimal of requirements.

Creates an Opportunity for Terrorists

Ordinary fraud is bad enough, but after 9/11, immigration fraud of any kind poses a dire security threat. We must remember that the lottery does not draw people randomly from around the globe. Winners come disproportionately from countries that were part of the special registration system for temporary visitors set up by DHS after the September 11th attacks. All observers agree that these countries are of special concern in the war against Islamic extremism. And about a third of winners come from those countries.

Several lottery winners have already been involved in terrorism in the United States. Michigan sleeper cell member Karim Koubriti, convicted this summer on terrorism-related charges, was a lottery winner from Morocco, as was Ahmed Hannan, who was acquitted of terrorism charges in the same trial but convicted of document fraud. The most notorious lottery winner is, of course, Hesham Mohamed Hedayet.

The lottery is ideal for terrorists because it encourages immigration from those parts of the world were both fraud is common, document are difficult to verify and al Qaeda is very active. Moreover, it allows people into the country with no family or other significant connections to the United States. Again, this is tailor-made for someone wishing to attack our country. While there are other ways to enter the

country, a green card is far more valuable to terrorists than temporary visa such those for tourists or students. A green card lets a person stay in the country indefinitely and this gives terrorists the time they may need to plan a sophisticated plot. Moreover, permanent residency allows the recipient to work at almost any job they like, get a licence to handle hazardous material, and to travel to and from the United States as often as they please. If one were to set out to design a visa that was ideal for terrorists, the visa lottery system would be it.

Serves No Purpose

The visa lottery might be worth all the problems and risks it creates if it met some need. But it does not. There is no humanitarian reason to admit people based on luck. Unlike employment-based immigration, the lottery does not make any attempt to select people based on whether they have some special or much-needed job skill. Nor does it reunite families as is the intent with family-based immigration.

Despite its official name, the Diversity Lottery does not even have a significant effect on the actual diversity of legal immigration. In FY 2002, the top-10 immigrant-sending countries were the source of more than half of that year's total legal immigration. This is almost exactly the same percentage as 10 years earlier, before the lottery was put in place. In fact, the nation's total immigrant population (legal and illegal) has actually become *less* diverse during the course of the lottery. A recent analysis of Census data by the Center for Immigration Studies found that from 1990 to 2000, Mexicans went from 22 percent of all

immigrants to 30 percent, while immigrants from all of Spanish-speaking Latin America combined went from 37 to 46 percent of the total foreign-born population. Truly diversifying immigration would entail one of two things: huge reductions in immigration from Mexico, or huge increases in immigration from everywhere else. The lottery simply cannot do even what it purports to.

Conclusion

If it can be said that anything good may have come from the atrocities of 9/11, it is that many Americans have come to realize that immigration is not simply a matter of economics or something to think about only in romantic and nostalgic terms. No longer can quaint stories of one's immigrant grandmother be a substitute for intelligent discourse on one of the most important issues confronting the country. Failures in our immigration system result mostly from a lack of resources and ill-conceived immigration programs. The visa lottery is clearly one of those programs. The lottery does not increase diversity, serve any economic need, promote humanitarian goals, or help families reunite. It creates a huge burden for the immigration system, encourages illegal immigration, invites fraud, and makes it easier for terrorists to enter. Surely the nation can do without such a program.